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U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd Floor
New York New York 10007*

October 12, 2007

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MEMO ENDORSED

VIA HAND DELIVERY

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl St., Room 640
New York, NY 10007

Re: Spinale v. Mitchell
07 Civ. 8760 (CM)

10/18/07
granted

Dear Judge McMahon:

This Office appears on behalf of Defendant Lindsay Mitchell and Daniel Favale, Inspectors with the United States Department of Agriculture, in the above-referenced action. I write respectfully to request an extension, until November 15, 2007, to answer, move or otherwise respond to Plaintiff's Complaint. The Complaint was initially filed by Plaintiff in the Supreme Court of the State of New York, County of Bronx, on or about August 31, 2007. The state court action was removed to this Court on October 10, 2007.

Pursuant to Rule 81(c) of the Federal Rules of Civil Procedure, Defendant's response to the Complaint after removal is due on October 17, 2007. This is the Government's first request for an extension. The Government tried to reach counsel for Plaintiff to obtain consent, but was unable to reach her.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:

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